

Introduced by Senator Burton

February 21, 2003

An act to amend Section 1773 of the Labor Code, relating to prevailing wages.

LEGISLATIVE COUNSEL'S DIGEST

SB 730, as introduced, Burton. Prevailing rate of per diem wages: determinations.

Existing law generally requires the payment of the prevailing rate of per diem wages and the prevailing rate for holiday and overtime work to employees employed on public works projects that cost more than \$1,000. Existing law requires the Director of Industrial Relations to determine these wage rates and to provide these wage rates to an awarding body, as defined, that requests them.

This bill would require the director to provide these wage rates to an awarding body within 60 days of a request for the rates, and would require that any appeal of a wage rate determination be decided within 30 days of the appeal. This bill would also require the director to maintain a log, as a public record, of these determination requests and appeals, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1773 of the Labor Code is amended to
2 read:
3 1773. (a) (1) The body awarding any contract for public
4 work, or otherwise undertaking any public work, shall obtain the



1 general prevailing rate of per diem wages and the general
2 prevailing rate for holiday and overtime work in the locality in
3 which the public work is to be performed for each craft,
4 classification, or type of worker needed to execute the contract
5 from the Director of Industrial Relations. The holidays upon
6 which those rates shall be paid need not be specified by the
7 awarding body, but shall be all holidays recognized in the
8 applicable collective bargaining agreement. If the prevailing rate
9 is not based on a collectively bargained rate, the holidays upon
10 which the prevailing rate shall be paid shall be as provided in
11 Section 6700 of the Government Code.

12 ~~If~~

13 (2) In determining the rates, the Director of Industrial Relations
14 shall ascertain and consider the applicable wage rates established
15 by collective bargaining agreements and the rates that may have
16 been predetermined for federal public works, within the locality
17 and in the nearest labor market area. Where the rates do not
18 constitute the rates actually prevailing in the locality, the director
19 shall obtain and consider further data from the labor organizations
20 and employers or employer associations concerned, including the
21 recognized collective bargaining representatives for the particular
22 craft, classification, or type of work involved. The rate fixed for
23 each craft, classification, or type of work shall be not less than the
24 prevailing rate paid in the craft, classification, or type of work.

25 ~~If~~

26 (3) If the director determines that the rate of prevailing wage
27 for any craft, classification, or type of worker is the rate established
28 by a collective bargaining agreement, the director may adopt that
29 rate by reference as provided for in the collective bargaining
30 agreement and that determination shall be effective for the life of
31 the agreement or until the director determines that another rate
32 should be adopted.

33 (b) (1) *When an awarding body makes a request to obtain the*
34 *prevailing rate of per diem wages and the general prevailing rate*
35 *for holiday and overtime work from the director, all of the*
36 *following apply:*

37 (A) *The director shall make the determination of these rates*
38 *within 60 days of the request.*



1 (B) If the determination specified in subparagraph (A) is
2 appealed, the director shall make a decision on that appeal within
3 30 days of the request for the appeal.

4 (2) The director shall provide notice to an awarding body to
5 acknowledge that he or she has received a request for a
6 determination or an appeal of a determination, which notice shall
7 include the date by which the determination or appeal will be
8 decided.

9 (3) The director shall maintain a log of all requests and appeals
10 described in paragraph (1), which log is a public record, and
11 specifies at least all of the following:

12 (A) The date that the awarding body made the request or
13 appeal.

14 (B) The date upon which the decision on the request or appeal
15 should have been decided.

16 (C) The date upon which the decision on the request or appeal
17 was made.

